



fax

TO Ms. Donna Wieting

CO. NMFS

FAX 301-713-0376

NUMBER OF PAGES TO FOLLOW _____

MESSAGE LFA Sonar Comment

FROM W. S. Leventhal

CO./DEPT. P.O. Box 354

PHONE SOMIS, CALIF

DATE 5/31/01 93066

UCLA

ACKERMAN UNION
TEL 310-206-0894 FAX 310-206-4329

LU VALLE COMMONS
TEL 310-825-7568 FAX 310-206-4526

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Dear Ms. Wieting:

I am writing to comment on the Navy's SURTASS LFA sonar program, in particular, to critique what is an obvious subterfuge and misleading statements in regard to the issue of potential danger to humans (swimmers, snorkelers and divers) as demonstrated in the Navy's EIS; and, in a subsequent response by Joseph S. Johnson, the Navy's EIS program manager (Honolulu Advertiser, May 11, 2001 page "A-22", "Island Voices" op-ed piece).

Below, I will raise what I hope you will take seriously as very troubling signs that the Navy's EIS (reportedly written under contract by Marine Acoustics, Inc. [MAI], as well as, Mr. Johnson in his column, have violated what citizens in a democracy would consider MINIMAL accuracy and honesty in responding to complaints in regard to the danger to humans by this program.

Others with scientific back grounds have challenged the usefulness, danger to the ocean ecosystem, and offered viable alternatives -- about which I am not an expert. However, in the past, I served on the staff of Dr. Martin Luther King, Jr. in the 60s, wrote the Report to the President and the Congress on the MLK Federal Holiday to Pres's Reagan, Bush and Clinton (for the King Federal Holiday Commission) and was a staff member for Jimmy Carter -- so I have some experience and knowledge of governmental activities and practices.

Given the above experience, for reasons detailed below, I have concerns that the Navy EIS and Mr. Johnson have not handled the Chris Reid case involving complaints of injury to a diver due to a LFA sonar test off the Island of Hawaii in a proper and straight forward fashion which calls into question the trust that they are asking you and citizens to put in them to carry out ANY approved sonar plan in a manner that will protect the health of humans as well as whales, dolphins and other ocean life.

I offer the following troubling facts which I would like you (and the elected officials to whom I am sending a copy of this letter) to comment upon:

- o 1) in the Navy's EIS, in the Appendix purporting to document, and respond to, the complaints by Chris Reid, is contained a deposition by Ms. Reid acknowledging that she made two mistakes in her original deposition (for a litigation associated with the LFA sonar test on the Island of Hawaii)
 - a) that she got the date she was in the water wrong -- March 12, instead of March 10; and,
 - b) that she put the distance she was from dolphins that she alleged were harmed by the sonar at 300 yards, rather than 300 feet.

However, on March 21, 1998 (I believe, as I read the EIS some time ago), three days after the initial deposition was submitted in the court case, Ms. Reid corrected her mistake in a second deposition. To support her contention of being in the water on March 12th -- as well as on March 10th -- another deposition was submitted by the boat captain of the charter on which Ms. Reid was a passenger verifying that she WAS in the water on the 12th. Additionally, a Swedish physician who was taking part in an ecotourism program with Ms. Reid, also submitted a deposition verifying that Ms. Reid was seriously harmed due to her exposure to LFA sonar on March 12 based on the physician's examination of Ms. Reid after the exposure.

Although, these documents are contained in the Appendix to the EIS, the Navy and their representatives who dismiss the importance and validity of Ms. Reid's complaints TOTALLY IGNORE THE REVISED DEPOSITION AND ALLEGATIONS CONTAINED THEREIN AS WELL AS SUPPORTING DEPOSITIONS -- THEREBY CIRCUMVENTING THE ENTIRE MEANINGFUL SUBSTANCE OF THE COMPLAINT.

MOREOVER, the "300 yard" distance is used by the Navy's expert to dismiss the possibility that Ms. COULD HAVE EVEN OBSERVED any injury to the dolphins. This refusal to deal with the complaint is troubling, for common sense would exclude a meaningful observation of ocean surface activity at 300 yards (e.g. the length of three football fields end to end to end), and Ms. Reid corrected the distance to 300 feet (e.g. one football field) which IS an observable distance. The fact that in her corrected deposition Ms. Reid says 300 feet, rather than 100 feet or 50 feet SUPPORTS, RATHER THAN DETRACTS, FROM HER CREDABILITY, AS SHE COULD HAVE ALLEGED A CLOSER DISTANCE TO BETTER MAKE HER CASE FOR A MEANINGFUL OBSERVATION --BUT SHE DID NOT.

- o 2) The EIS response also attempted to invalidate Ms. Reid's complaint in another dubious and totally insufficient manner by claiming that the Navy had safeguarded the threat to the health of swimmers, snorkelers and divers prior to the 1998 Hawaii test by circulating warning flyers to all of the dive shops on the island of Hawaii in the vicinity of the SURTASS LFA sonar test. They even provide a list of the dive shops and a copy of the flyer.

NAVY TO INSURE THAT THESE LETTERS WERE IN THE NAVY'S POSSESSION. MAXIMAL SAFETY TO SWIMMERS, DIVERS AND SNORKELERS WHO (LIKE MS. REID AND OTHERS) ALLEGED THAT THEY WERE SERIOUSLY HARMED DURING THE TEST; AND, THAT THEY HAD SEEN NO NOTICES OF THE TEST PUBLISHED PRIOR TO THE USE OF LFA sonar off the island of Hawaii in March 1998.

Since the Navy is asking you, and the governmental agency for whom you work -- and the taxpayers whose tax money pays for your agency, and the Navy -- to trust that the Navy will follow through in a sincere, honest and competent manner in protecting sea life and humans who might be in the area of the SURTASS LFA sonar deployment (should it be deployed) -- THE FACT THAT THEY (AND THE CONTRACTING COMPANY, Marine Acoustics Inc., WHO WROTE THE EIS, AT TAXPAYER EXPENSE, -- HAVE -- IN MY OPINION -- NOT MET MINIMAL STANDARDS IN DEALING WITH THE CHRIS REID COMPLAINT. IT IS, THEREFORE, DIFFICULT TO HAVE CONFIDENCE AND TO BELIEVE THAT THE NAVY OR ITS LFA sonar contractors, will carry out in competence or good faith their EIS stated request and commitment to use LFA sonar in the limited, "safety first", manner.

o -- 3) in Mr. Johnson's Honolulu Advertiser column, he writes, in the 11th paragraph, "Several other anti-LFA proponents also claimed to be injured by emissions from LFA on March 8, 1998. Interesting, because the LFA system was not transmitting that day".

This is a tawdry and dishonest ploy to dismiss the issue without dealing with the substance of the complaint, as noted above. Without honesty in the response by Mr. Johnson, it is even harder to trust him and the Navy's LFA sonar managers to carry out the program in a limited, "safety first" manner which they claim in their proposed plan is their intent.

Further, in this regard, Mr. Johnson, in this column claims that the danger to humans was thoroughly investigated by the Navy, but Ms. Reid, in sworn depositions and in testimony at the public hearings in Honolulu and Silver Springs, MD, related that NOT ONCE, in any manner -- in over three years since her complaint -- did the Navy even contact, much less examine her, nor did the Navy respond to the deposition by the physician who examined her after the exposure. [In fact, given the neatness of the military, generally, and the rest of the EIS documents, it is surprising that almost all of the documents from Ms. Reid and others relative to her complaints are shoddily copied such that that reading them is very, very difficult].

o -- 4) Additionally, Mr. Johnson has described the whales as "things" while at the same time also claims that he cares much about harming them. It was, I believe, in the "60 Minutes II", April 3 program -- in response to a question about the death of whales in the Bahamas immediately subsequent to a 1998 Mid-Range Frequency sonar test, that Mr. Johnson acknowledged that while there was not "scientific" cause and effect evidence or proof that sonar was responsible, he agreed that the sonar test was the only possible reason that the whales could have been beached and/or died that day. Mr. Johnson called these highly intelligent mammals whose ear drums were ruptured after a sonar blast causing hemorrhage and death (as evidenced in a scientific autopsy) -- "THINGS" -- later, apparently being cautioned by his press officer, changing his description to "CREAURES".

o 5) Finally, in this regard, and overall, is a story with an AP by line published on page "A3" of the Honolulu Advertiser, also on May 11, 2001 wherein reportedly "Tom PaPuzza of the Navy's Marine Mammals Program said there was no scientific evidence linking Navy tests to whale beachings".

This revised version by Navy representatives would seem to be part of a disinformation and propaganda campaign in the press by the Navy, which raises a

question as to why the program for which the taxpayers have already been billed over 300 million dollars is being pushed in such a manner to raise concerns such as those expressed by President Dwight D. Eisenhower in his farewell "Military-Industrial-Complex" speech.

I hope that you and the Department of the Navy will take the above concerns in the respectful and serious manner in which they are submitted. I would hope, if possible, that you or your representatives could respond to all of the concerns expressed above.

Thank you very much for the opportunity to make these comments and for any consideration to their substance that you can provide.

Sincerely,

Willy Siegel Leventhal
P. O. Box 354

Willy Siegel Leventhal